

BR

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DISTRICT

In the Matter of BEVERLY B. MANN  
Attorney-Respondent

In the matter of a Petition for a Rule to  
Show Cause against:

GINO AGNELLO, Clerk, United States Court  
of Appeals for the Seventh Circuit, FRANK  
H. EASTERBROOK, Chief Judge, and  
Circuit Judges MICHAEL S. KANNE,  
DANIEL A. MANION, KENNETH F.  
RIPPLE, ILANA D. ROVNER, DIANE P.  
WOOD, and ANN C. WILLIAMS.

No. 08 C 1627  
Judge St. Eve  
Magistrate Judge Cole

Formerly case No. M.R. 22285  
(06 CH 38), Supreme Court of Illinois

**FILED**  
J.N  
APR X 8 2008  
APR 8, 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

**MOTION FOR REMAND PURSUANT TO 28 U.S.C. § 1447(a) AND (c)**

Beverly Mann, *pro se*, moves pursuant to 28 U.S.C. § 1447(a) and (c) for remand of this matter back to the Illinois Supreme Court. In support, she states the following:

The Notice of Remand asserts that:

The matter is an action against the United States (because it attempts to compel official-capacity actions by federal officials) and thus is subject to removal to this court pursuant to 28 U.S.C. § 1442(a)(1). Alternatively, this is an action against officers of the courts of the United States for actions under color of their office or in the performance of their duties and thus subject to removal to this court pursuant to 28 U.S.C. § 1442(a)(3).

Because of sovereign immunity, state courts may not compel compliance with subpoenas by federal officials. *Edwards v. Department of Justice*, 43 F.3d 312 (7th Cir. 1994).

28 U.S.C. § 1447(c) provides that “[i]f at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” Mann incorporates by reference and relies here upon the contents of her Response to Motion of the United States to Dismiss, which she is filing along with this motion and which illustrate that none of the three

assertions upon which the United States claims federal subject-matter jurisdiction is accurate and that no federal subject-matter jurisdiction exists here.

Mann further notes that the removal was in any event untimely under 28 U.S.C. § 1447(a), as this matter was removed more than 30 days after the subpoenas at issue were served upon these witnesses.

Respectfully submitted,

s/Beverly Mann

Beverly Mann

*Pro se*

P.O. Box 20

Whitmore Lake, MI 48189

(248) 767-4895

beverlymann2@yahoo.com

**Certificate of Service**

I certify that on April 8, 2008, I will file the foregoing with the Clerk of Court, and that on that date I will send notification via fax or email or U.S. mail to the following:

Thomas P. Walsh  
Assistant United States Attorney  
219 South Dearborn Street  
Chicago, Illinois 60604  
thomas.walsh2@usdoj.gov

Clerk, Attorney Registration and  
Disciplinary Commission of the  
Illinois Supreme Court  
130 East Randolph Drive, 11th Floor  
Chicago, Illinois 60601

Robert V. Verrando  
Senior Counsel, Illinois ARDC  
130 East Randolph Drive, Suite 1500  
Chicago, Illinois 60601

Ronald Rascia  
Assistant Illinois Attorney General  
100 West Randolph Street, 13th Floor  
Chicago, Illinois 60601

s/ Beverly Mann  
Beverly Mann  
P.O. Box 20  
Whitmore Lake, MI 48189  
Ph: (248) 767-4895  
beverlymann2@yahoo.com